**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO. 14 OF 2007**

**DATED: 03-01-2007**

**Between:**

P. Chalapathi Rao
S/o. Chinnavadu

… Petitioner

And

The Circle Inspector of Police,
Kasibugga, P.S., Srikakulam District
And two others

… Respondents

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**WRIT PETITION NO. 14 OF 2007**

**ORDER:**

Petitioner assails the undated notice issued by the second respondent in October 2006. According to the petitioner, one K. Gopala Krishna, S/o. K. Rangachari was the founder member of Sri Lakshmi Narasimhaswamy Temple of Subbampet Village, Nandigama Mandal, Srikakulam District. Initially, the brother of K. Gopala Krishna, i.e. K. Raghavachari was acting as the founder family member and the hereditary trustee of the temple. After the death of K. Raghavachari, Gopala Krishna and his brother's son K. Ranganadh became the surviving members of the family. Ranganadh sought permission to become the hereditary trustee and Gopala Krishna consented to the said course of action. Eventually, Ranganadh was recognized as the hereditary trustee. Thereafter, Gopala Krishna and Ranganadh being away from the village on

account of employment and profession, executed a General Power of Attorney in favour of the petitioner in 1994 authorizing him to look after the temple and the lands, to enter into agreements on behalf of the aforesaid members of the founder's family and to do all that is necessary for the proper management of the temple. According to the petitioner, endowment officials have also recognized him as a Chairman of the trust board. The writ petition is silent as to when the petitioner was appointed as Chairman and for what tenure.

The grievance that has given rise to this writ petition is the notice issued by the second respondent stating that by proceedings dated 28-09-2006, Ponduru Narasimha Murthy and others are appointed as trustees to the temple and have taken oath of office on 08-10-2006. Ponduru Narasimha Murthy has also been elected as President of the trust board and therefore, the petitioner should handover the accounts, records and assets to the newly appointed Chairman on or before the specified date and on failure, the petitioner would be liable to be prosecuted in accordance with law.

On 10-11-2006, Ponduru Narasimha Murthy has also issued a notice to the petitioner calling upon him to hand over the records on or before 24-10-1006. In his response dated
01-12-2006, the petitioner stated that the endowment officials or the Chairman of the trust board should approach the founder family members as he is a mere General Power of Attorney holder. He also stated that the committee appointed is contrary to the provisions of Section 17 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. The matter rests at that stage.

Apprehending action by the endowment officials by way of a complaint to the police and consequent harassment, the petitioner is before this Court.

Petitioner has not stated or established before this Court that the functions of a trustee could be exercised by a G.P.A. holder nor it is established that the status and powers consequent on being a member of the founder's family could be exercised by a G.P.A. holder. In the circumstances, the petitioner's claim to being a lawful and authorized representative of a member of the founder's family or on that basis to run the affairs of the endowment institution is a claim that does not commend acceptance by this Court. On this view, the notice issued by the respondent, impugned in this writ petition suffers from no infirmity warranting interference. There are no merits in this writ petition.

Writ petition is accordingly dismissed at the stage of admission after hearing the learned counsel for the petitioner and the learned Government Pleader for Endowment and the learned Government Pleader for Home. No order as to costs.

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**GODA RAGHURAM, J.**

**Dt: 03-01-2007**
*Rns*